



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

5720
ARSF-DJ
5 DEC 2019

MR RUSSEL NEISS
MUCKROCK NEWS DEPT MR 82852
411A HIGHLAND AVE
SOMERVILLE MA 02144

Dear Mr. Neiss:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) REQUEST, FILE
NUMBER DON-USMC-2020-001138

This responds to your November 5, 2019, FOIA request for copies of any musical arrangements or recordings created in preparation for the US Marine Corps Band's performance of "Baby Shark" during the Washington National's visit to the White House. Your request was controlled under file number **DON-USMC-2020-001138**.

We initiated a search of the Office of Marine Corps Communication Directorate, Marine Band Section, which provided the enclosed arrangement and informed us that as of this date, there are no releasable recordings of this piece.

Please be advised that the "sound" of the Marine Band is in the public domain; however, the musical selections still may have copyright encumbrances attached to them. It is the requester's responsibility to give all necessary notices, acquire all copyright clearances, and pay all required fees for any use of copyrighted music. Every music title should be researched. We cannot relieve anyone of their responsibility to obtain licenses or permission from the various copyright holders and/or music publishers involved. Neither the Marine Corps nor the Marine Band accepts any responsibility for any use of Marine Band sound other than our own distribution. Information about whether a specific selection is under copyright may be addressed to the Marine Band's Librarian at jane.cross@usmc.mil or (202) 433-3883.

Since YouTube is a streaming service, there are literally hundreds of Marine Band videos that exist on the YouTube Channel. Consequently, the authenticity of these videos would need to be verified as a true Marine Band product since users often film and upload their own products to the channel for viewing, training, and educational purposes.

The Marine Band's website at www.marineband.marines.mil offers a complete catalogue of audio resources available to public libraries, educational institutions, and radio stations. There are also links to ceremonial recordings. Again, users are encouraged to contact the band's librarian at jane.cross@usmc.mil or (202) 433-3883, for additional information about copyright permissions.

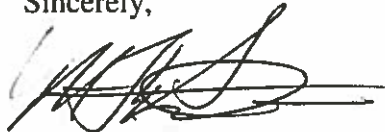
If you consider this to be an adverse determination, it may be appealed. Since you have created an account in FOIAonline, you can do this directly within the web-based system. If you prefer to use regular mail, you may write to the Judge Advocate General (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a statement indicating why you believe it should be granted.

You also have the right to seek assistance and/or dispute resolution services from the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at (703) 697-0031 or Christopher.a.julka@navy.mil. You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at ogis@nara.gov or 1-877-684-6448. For more information, please visit their website at <https://ogis.archives.gov>.

We have categorized you as a "commercial requester" for the purpose of assessing FOIA processing fees. As such, you are responsible for the cost of any search, review, and duplication required. In this instance, the costs did not exceed the minimum threshold of \$25.00 so there is no charge for processing your request.

I am the official responsible for this determination. Should you have questions about this action, please contact Ms. Deanna James at (703) 614-4008, via email to hqmcfoia@usmc.mil, or fax at (703) 614-6287. Please reference the file number in the subject line above.

Sincerely,



M. L. PETERS
Deputy, FOIA/PA Programs

Enclosure